



DeNittis | Osefchen | Prince, P.C.
Attorneys at Law

RECEIVED

012
denittislaw.com

OCT 10 2017

GreenTree Centre
525 Route 73 North, Suite 410
Marlton, NJ 08053
P: 856.797.9951 | F: 856.797.9978

Chambers of
Anne E. Thompson, U.S.D.J.

1515 Market Street, Suite 1200
Philadelphia, PA 19102
P: 215.564.1721 | F: 215.564.1769

October 10, 2017

315 Madison Ave., 3rd Floor
New York, NY 10017
P: 646.979.3642

VIA FACSIMILE

The Honorable Anne E. Thompson
Clarkson S. Fisher Building
& U.S. Courthouse
402 East State Street
Trenton, NJ 08608

RECEIVED

OCT 10 2017

AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

Re: **Richard Marcus v. OCO Biomedical Inc. d/b/a OCO Biomedical**
Case No. 3:16-cv-01519-AET-LHG

Dear Judge Thompson:

This firm represents the plaintiff Richard Marcus ("Plaintiff") and the putative class in connection with the above referenced matter.

Recently, the Court reinstated this matter to permit a transfer to the Central District of California and subsequent consolidation with another case pending against the same defendant therein. To that end and to effectuate the same, the parties respectfully submit the attached Stipulation and proposed Order.

We thank the Court for its courtesies.

Respectfully submitted,

Ross H. Schmierer

via: **Esteban Morales, Esq. (via email)**
Attorneys for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**RICHARD MARCUS, Individually
and on Behalf of All Others Similarly
Situatcd,**

Plaintiff,

v.

**OCO BIOMEDICAL INC. d/b/a OCO
BIOMEDICAL,**

Defendant.

Case No.: 3:16-cv-01519-AET-LHG

**JOINT STIPULATION FOR TRANSFER
OF VENUE PURSUANT TO 28 U.S.C. §
1404**

Plaintiff, Richard Marcus, and Defendant OCO Biomedical Inc. d/b/a OCO Biomedical ("OCO") (collectively, the "Parties"), by and through their respective attorneys, jointly stipulate to, and respectfully request, transfer of venue from the United States District Court for the District of New Jersey to the United States District Court for the Central District of California, Southern Division, pursuant to 28 U.S.C. § 1404.

JOINT STIPULATION

1. This case was filed in the United States District Court for the District of New Jersey on March 18, 2016, and is one of two cases, with substantively and sufficiently similar complaints, filed against OCO arising from an alleged violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 ("TCPA"). The other case is pending in the United States District Court for the Central District of California, and is captioned *Ryoo Dental, Inc. d/b/a Ryoo Dental v. OCO Biomedical, Inc.*, No. 8:16-cv-1626 (C.D. Cal. September 2, 2016).

2. The Parties in the within action, along with the parties in *Ryoo Dental, Inc. d/b/a Ryoo Dental v. OCO Biomedical, Inc.*, have reached a resolution in principle that would resolve all claims in both actions on a classwide basis.

3. The Parties have agreed that this action should be transferred to the Central District of California for consolidation with *Ryoo Dental, Inc. d/b/a Ryoo Dental v. OCO Biomedical, Inc.*, pursuant to 28 U.S.C. § 1404(a), which provides that “[f]or the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented.”

4. The Parties jointly agree and acknowledge that this matter is more convenient to pursue in the Central District of California, given the location of OCO Biomedical Inc.'s offices, counsel and the convenience of the parties and witnesses, and consent to the matter being transferred to the Central District of California.

5. The Parties stipulate to transfer of venue and hereby respectfully request that the Court approve of the request and issue an order transferring venue to the United States District Court for the Central District of California, Southern Division.

SO STIPULATED BY PLAINTIFF.

Dated: October 10, 2017

DeNITTIS OSEFCHEN PRINCE, P.C.
Attorneys for Plaintiff

s/ Ross H. Schmierer
Ross H. Schmierer, Esq.
525 Route 73 N.
Marlton, NJ 08053
T: (856) 797-9951
F: (856) 797-9958
rschmiercr@denittislaw.com

SO STIPULATED BY DEFENDANT.

Dated: October 10, 2017

**MINTZ LEVIN COHN FERRIS
GLOVSKY AND POPEO, P.C.**
Attorneys for Defendant

s/ Esteban Morales
Esteban Morales, Esq.
2029 Century Park East, Suite 1370
Los Angeles, CA 90067
T: (310) 586-3200
F: (310) 586-3202
Emorales@mintz.com